

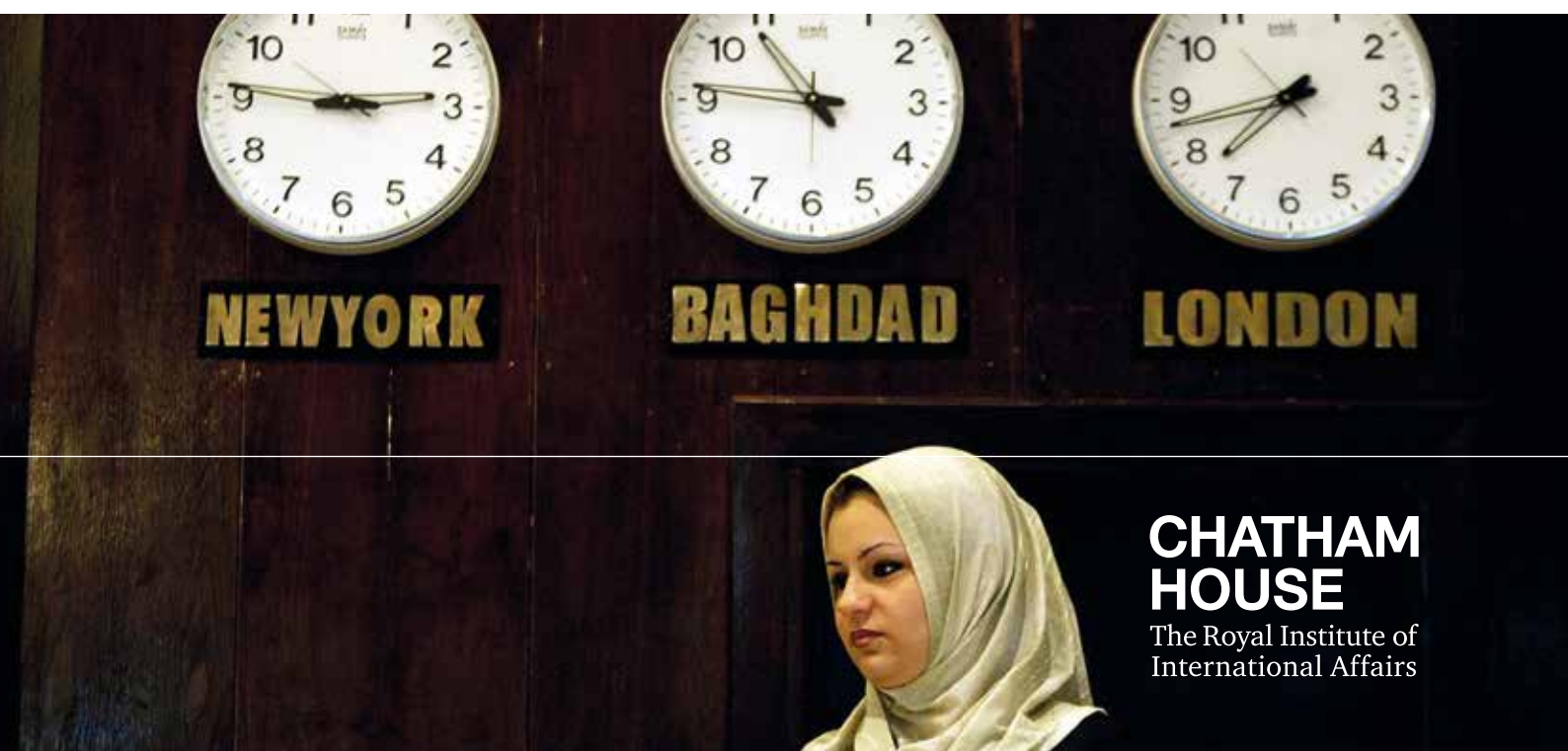
Research Paper

Patricia M. Lewis

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All in the Timing

The Weapons of Mass Destruction Free Zone in the Middle East



**CHATHAM
HOUSE**

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Summary

The Helsinki Conference process established by the 2010 nuclear Non-Proliferation Treaty (NPT) Review Conference is the most significant opportunity to increase stability and prevent nuclear catastrophe in the Middle East that has presented itself in recent years – coming at a time when the Iranian nuclear capabilities issue is being seriously and sustainably addressed, and when the instability in the region is all too plain to see. If states fail to take this opportunity, the consequences will be severe. Now is a time for leadership. Serious efforts to forge an agreement between Israel and Egypt would make all the difference and could help the region's security in a time of considerable danger.

However, progress towards a weapons of mass destruction (WMD) free zone in the Middle East has been sporadic. A deadline of December 2012 was not met and no follow-on date has yet been announced for the Helsinki conference. There are three main scenarios that could play out in the period leading up to the next NPT Review Conference in April 2015. They are:

- a Helsinki conference that has a successful outcome and leads to a process towards a WMD free zone negotiation that includes regional security measures to support the zone,
- a Helsinki conference that results in no positive outcome and no follow-on process, and
- no Helsinki conference before the 2015 Review Conference.

In the event of a successful Helsinki conference before 2015 there are a number of proposals to develop the zone.

- **Begin regional negotiations** through a set of working groups or committees that divide the workload into nuclear weapons, chemical weapons, biological weapons, means of delivery including missiles, supportive measures/confidence- and security-building measures, wider regional security issues, and verification and other technical measures.
- **Install capacity-building measures** to implement and verify the WMD free zone, such as training inspectors, developing common methodologies and learning how to use technical instruments for monitoring.
- **Involve civil society and the general public in the debate**, and foster a wide discussion among all segments of the societies in the region, including young political leaders, young scientists and young journalists.

In the event of a failed or abandoned Helsinki conference it may still be possible to undertake the following measures.

- **Revamp the 1991 Madrid peace process and the multilateral tracks that it established** which led to the Oslo Peace Accord and the Israeli–Jordanian Peace Treaty and see if the approach taken at that time could be adapted for today. This will require Egypt and Israel to enter into direct negotiations in order to get the ball rolling.

- **Revert to the UN Security Council to request a consideration of Resolution 687** that established the ceasefire in Iraq in 1991, which contains references to the Middle East WMD free zone.
- **Employ the UN General Assembly** by building on the UN resolution that has been adopted annually calling for the ‘Establishment of a nuclear-weapon-free zone in the region of the Middle East’.
- **Establish a building-blocks approach** aiming to establish a zone through a set of parallel or sequential commitments to sign and ratify the extant treaties such as the Chemical Weapons Convention (CWC), the Biological Weapons Convention (BWC), the NPT and the Comprehensive Test Ban Treaty (CTBT). Other measures could include a highly-enriched-uranium-free zone, separate agreements on non-attack of nuclear facilities (including cyber attacks), missile tests launch notifications, nuclear security assurances and transparency measures.

Introduction

You have to hit these things at the right moment or it's no good. It's all in the timing.

David Ives, *Sure Thing* (1988)

Timing is everything. The peaceful ending of the Cold War is impossible to imagine without the coincidence of key individuals and events, including President Mikhail Gorbachev, perestroika and glasnost, along with visionaries in Hungary, Poland, Germany and Romania. Northern Ireland's peace process was and remains entirely reliant on the timing of actions by a whole host of individuals.¹ In South Africa, the peaceful transition of power from the white minority to the black majority needed a fortuitous coincidence of political change and visionary personalities who were able to harness that change for the good of all South Africans.

Similarly, without the assassination of Archduke Franz Ferdinand 100 years ago, would Europe have found itself embroiled in a global and catastrophic war that lasted over four years, resulted in the loss of millions of lives, redrew maps and changed the lives of almost everyone? What if the timing had been different? The chain of events, the personalities in place, the ways in which decisions could be made – it was all in the timing.

Turning points in history such as the avoidance of a violent conflict, the fall of a government or the beginning of a war can be analysed through a number of different lenses. These include massive social change, political movements, significant technical advances, environmental and resource stress, key personalities and – of particular interest here – the timing of events. The history of attempts to eliminate weapons of mass destruction (WMD) in the Middle East is comparatively short but it demonstrates the pivotal role of getting the timing right.

In 2010, in a strenuous attempt to achieve progress towards creating a Middle East free of WMD, the states parties to the nuclear Non-Proliferation Treaty (NPT) agreed a set of measures to move the issue forward.² These included a package of practical steps that required the UN secretary-general and the co-sponsors of the 1995 Resolution (the depositaries of the treaty: Russia, the United Kingdom and the United States), in consultation with the states of the region, to

convene a conference in 2012, to be attended by all states of the Middle East, on the establishment of a Middle East zone free of nuclear weapons and all other weapons of mass destruction, on the basis of arrangements freely arrived at by the states of the region, and with the full support and engagement of the nuclear-weapon states.³

States agreed on the appointment of a facilitator with a mandate to support implementation of the 1995 resolution by conducting consultations and undertaking preparations for the convening of the 2012 conference. The facilitator was also charged with assisting in implementing any

¹ George Mitchell, *Making Peace* (University of California Press, revised edn, 2000). See also the INCORE Peace Initiative, <http://www.incore.ulst.ac.uk/incorepeaceinitiative/>.

² NPT 2010 Final Document – Volume I (NPT/CONF.2010/50 (Vol. I)), <http://www.un.org/en/conf/npt/2010/>.

³ 1995 NPT Review Conference Package of Decisions, adopted by the 1995 NPT Review and Extension Conference, 17 April–12 May 1995, 'Decision 4: Resolution on the Middle East'.

follow-on steps agreed at the 2012 conference and reporting to the 2015 Review Conference and its Preparatory Committee meetings.

These agreed measures were incorporated into a larger agreed final document on the review of the NPT that also included 64 action items on nuclear disarmament, nuclear non-proliferation and peaceful uses of nuclear energy.

Some background knowledge is important for an understanding of why the incorporation of practical steps towards a WMD free zone in the Middle East was vital to the success of the 2010 NPT Review Conference.

In 1962, a group of highly regarded Israeli intellectuals formed the Committee for the Denuclearization of the Middle East, led by Eliezer Livneh and Yeshayahu Leibowitz, who were concerned that the development of nuclear weapons constituted ‘a danger to Israel and to peace in the Middle East’. The committee proposed a nuclear-weapon-free zone (NWFZ) in the region.⁴ It was undoubtedly already too late to prevent the development of nuclear weapons in Israel and the committee was wound up following the Six Day War in 1967. But it is important to know that there was – and remains – support for a WMD-free Middle East within Israel.

This idea has never gone away. Egypt picked it up in 1963 and later so did Iran under Mohammad Reza Shah Pahlavi.⁵ These two countries, following the Indian nuclear weapon test in 1974, tabled a joint UN General Assembly resolution calling for the establishment of an NWFZ in the Middle East.⁶ It was adopted by a majority of 138 votes, with only Israel and Burma abstaining.⁷

Today, the Egyptian-Iranian resolution enjoys full support, and it is adopted every year. Israel joined the consensus in 1980, as a direct result of the Egypt–Israel Peace Treaty and its adoption of a regional rather than global approach to nuclear policy.⁸ The resolution invites all states in the region to adhere to the NPT, to place all their nuclear activities under International Atomic Energy Agency (IAEA) safeguards, and – pending the establishment of an NWFZ – not to produce, test, acquire or station nuclear weapons on their territories. It also reiterates that a Middle East NWFZ ‘would greatly enhance international peace and security’.

In principle, therefore, all states in the Middle East express support for a verifiable regional NWFZ. The NPT includes, under Article VII, ‘the right of any group of States to conclude regional treaties in order to assure the total absence of nuclear weapons in their respective territories’.⁹ The first NWFZs predated the NPT (i.e. the 1959 Antarctic Treaty, the 1967 Outer Space Treaty and the 1967 Treaty of Tlatelolco). Several NWFZ treaties have been negotiated since 1968: the 1971 Sea-bed Treaty, the 1986 Treaty of Rarotonga (South Pacific), the 1995 Treaty of Bangkok (Southeast Asia), the 1996 Treaty of Pelindaba (Africa) and the 2006 Central Asian Nuclear-Weapon-Free Zone Treaty (sometimes called the Treaty of Semipalatinsk).¹⁰ In addition, Mongolia accorded

⁴ Avner Cohen, *The Worst-kept Secret. Israel's Bargain with the Bomb* (New York: Columbia University Press, 2010), p. 128.

⁵ Mohammed Kadry Said, ‘Middle East Weapons of Mass Destruction Free Zone: Regional Security and Non-Proliferation Issues’, in Vilmos Cserveny et al., *Building a Weapons of Mass Destruction Free Zone in the Middle East: Global Non-Proliferation Regimes and Regional Experiences* (United Nations Institute for Disarmament Research, 2004), p. 127; Kathleen Teltsch, ‘Iran asks UN action to keep region free of nuclear arms’, *New York Times*, 13 July 1974, <http://www.iranaffairs.com/.shared/image.html?/photos/uncategorized/2007/08/20/irannuclearfreezone.jpg>.

⁶ Resolutions Adopted by the General Assembly during its Twenty-Ninth Session, A/RES/3263. (XXIX), Establishment of a nuclear weapon free zone in the region of the Middle East, <http://daccess-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/738/65/IMG/NR073865.pdf?OpenElement>.

⁷ Said, ‘Middle East Weapons of Mass Destruction Free Zone’, p. 126.

⁸ Avner Cohen and Patricia Lewis, ‘Israel and the NWFZ in the Middle East: Tiptoeing Down a “Long Corridor”’, in Bernd W. Kubbig and Sven-Eric Fikenscher (eds), *Arms Control and Missile Proliferation in the Middle East* (London: Routledge, 2012).

⁹ Treaty on the Non-Proliferation of Nuclear Weapons, <http://www.un.org/disarmament/WMD/Nuclear/NPTtext.shtml>.

¹⁰ Patricia Lewis and William C. Potter, ‘The Long Journey Toward a WMD-Free Middle East’, *Arms Control Today*, September 2011.

itself nuclear-weapon-free status under national law in 2000, notifying the United Nations by a formal communiqué.¹¹

Egypt has been a major player during the lifetime of the NPT. One of the first countries to sign the treaty when it opened for signature on 1 July 1968, it ratified the NPT in 1981 following the 1979 peace treaty with Israel. All Arab states had joined the treaty by 1997, leaving Israel alone in the region to remain a non-signatory.

The use of chemical weapons by Iraq against Iran and against the Kurds of Iran and Iran in the 1980–88 war prompted inclusion of ‘steps towards the goal of establishing in the Middle East a zone free from weapons of mass destruction and all missiles for their delivery and the objective of a global ban on chemical weapons’ in the 1991 UN Security Council Resolution 687.¹² This echoed the proposal by President Hosni Mubarak of Egypt in 1990 to include all weapons of mass destruction (nuclear, chemical and biological) in the Middle East.¹³ In addition, the 1991 Madrid peace process established a set of multilateral working groups, including on arms control and regional security (ACRS). The negotiations, which opened formally in Moscow in 1992, led to the Oslo Peace Accord in 1993 and the Israeli–Jordanian Peace Treaty in 1994. The ACRS talks collapsed in 1995, however, in large part over the issue of the sequencing, timing and modalities of negotiating an NWFZ in the Middle East.

Before the collapse, however, the NPT Review and Extension Conference adopted the 1995 resolution on the Middle East as part of the decision to extend the treaty indefinitely. This was co-sponsored by its three depositary states – Russia, the United Kingdom and the United States. It is recognized that the indefinite extension of the NPT would not have been adopted without a vote if the Arab states – led by Egypt – plus Iran had not secured the support of the depositaries and the conference for the resolution.

The 1995 resolution

Calls upon all States in the Middle East to take practical steps in appropriate forums aimed at making progress towards, *inter alia*, the establishment of an effectively verifiable Middle East zone free of weapons of mass destruction, nuclear, chemical and biological, and their delivery systems, and to refrain from taking any measures that preclude the achievement of this objective;

Calls upon all States party to the Treaty on the Non-Proliferation of Nuclear Weapons, and in particular the nuclear-weapon States, to extend their cooperation and to exert their utmost efforts with a view to ensuring the early establishment by regional parties of a Middle East zone free of nuclear and all other weapons of mass destruction and their delivery systems.

Despite the significance of the resolution as an integral component of the legal decision to extend the treaty indefinitely, no progress had been made on the issue of a WMD free zone in the Middle East by 2010. The NPT Review Conference in 2000 hardly focused on the issue.¹⁴ Egypt, a member of the New Agenda Coalition,¹⁵ had agreed to sacrifice consideration of the zone in exchange for agreement on 13 practical steps. However, no progress was made in the 2005 Review Conference. The three

¹¹ Law of Mongolia on its nuclear-weapon-free status, adopted on 3 February 2000, A/55/56, <http://www.un.org/documents/ga/docs/55/a5556.pdf>.

¹² Resolution 687 (1991) Adopted by the Security Council at its 2981st meeting, on 3 April 1991, S/RES/687 (1991) 8 April 1991, para. 14.

¹³ Fawzy H. Hammad and Adel M. Ali, ‘Principles of Establishing a Middle East Weapons of Mass Destruction Free Zone Monitoring and Verification System’ in Cserveny et al., *Building a Weapons of Mass Destruction Free Zone in the Middle East*, p. 89.

¹⁴ Rebecca Johnson, ‘Successful Conference: Now Words into Actions, Sixth NPT Review Conference’, Acronym Institute for Disarmament and Diplomacy, Briefing No. 18, 20 May 2000, <http://www.acronym.org.uk/articles-and-analyses/successful-conference-now-words-actions-briefing-no-18>.

¹⁵ An inter-regional ministerial-level group of states within the framework of the Nonproliferation Treaty (NPT) focused on building international consensus to make progress on nuclear disarmament, <http://www.nti.org/treaties-and-regimes/new-agenda-coalition/>.

depositaries and Egypt could not compromise, the adoption of the agenda for the Review Conference was delayed and the conference failed.¹⁶ Egyptian experts have pointed out on several occasions that in 1995 their country was against the indefinite extension of the NPT and went on the record to say so.¹⁷ Egypt accepted the indefinite extension in part because, as was the case for many states, it did not want to oppose consensus and force a vote, and in part because its concerns over universality and Israel were addressed in the 1995 Middle East resolution.

In the lead-up to the 2010 Review Conference, Egypt and other Arab states made it very clear that, if the zone issue were again ignored, there would be highly negative consequences for the NPT. A significant effort was made in Track-Two meetings, with academic and policy papers putting forth a range of practical proposals. A Russian paper delivered at the 2009 NPT Preparatory Committee outlined the makings of a deal and resulted in the adoption of the commitments contained in the NPT 2010 Review Conference Final Document.¹⁸

¹⁶ Rebecca Johnson, 'Politics and Protection: Why the 2005 NPT Review Conference Failed', Acronym Institute for Disarmament and Diplomacy, 1 November 2005, <http://www.acronym.org.uk/dd/dd80/80npt.htm>.

¹⁷ Gerald M. Steinberg, 'Middle East Peace and the NPT Extension Decision', *The Nonproliferation Review*, Vol. 4, No. 1 (1996), p. 17, <http://cns.miis.edu/npr/pdfs/steinb41.pdf>.

¹⁸ 'Statement by the Delegation of Russia on Implementation of the Resolution on the Middle East adopted by the 1995 NPT Review and Extension Conference', 8 May 2009, http://www.reachingcriticalwill.org/images/documents/Disarmament-fora/npt/prepcom09/statements/8MayME_Russia.pdf.

Events since 2010

Within hours of the adoption of the 2010 NPT Review Document, President Barack Obama and senior members of the US administration distanced themselves from the outcome agreements. In an official statement, National Security Advisor James L. Jones made it clear that the United States was not fully supportive of the Middle East WMD free zone text that was agreed. He stated:

Despite our agreement to the final document, we have serious reservations about one aspect of the Middle East resolution it contains. The final document includes an agreement to hold a regional conference in 2012 to discuss issues relevant to a Middle East zone free of weapons of mass destruction (WMD) and their delivery systems. The United States has long supported such a zone, although our view is that a comprehensive and durable peace in the region and full compliance by all regional states with their arms control and nonproliferation obligations are essential precursors for its establishment. Just as our commitment to seek peace and security of a world without nuclear weapons will not be reached quickly, the US understands that a WMD free zone in the Middle East is a long-term goal.

The proposed regional conference, to be effective, must include all countries of the Middle East and other relevant countries. The United States will insist that this be a conference for discussion aimed at an exchange of views on a broad agenda, to include regional security issues, verification and compliance, and all categories of weapons of mass destruction and systems for their delivery. The conference would draw its mandate from the countries in the region in recognition of the principle that states in the region have sole authority regarding any WMD free zone in the Middle East.

To ensure the conference takes into account the interests of all regional states, the United States has decided to co-sponsor the conference, along with the United Kingdom, Russia, and the UN Secretary General. Together, we will identify a host for this conference and an individual to facilitate its preparation. In addition, we will insist that the conference operate only by consensus by the regional countries, to include agreement on any possible further discussions or follow-up actions, which will only take place with the consent of all the regional countries.

The United States will not permit a conference or actions that could jeopardize Israel's national security. We will not accept any approach that singles out Israel or sets unrealistic expectations. The United States' long-standing position on Middle East peace and security remains unchanged, including its unshakeable commitment to Israel's security.¹⁹

It is not surprising then that nearly 12 months went by before the names of possible contenders for the facilitator and associated countries for the 2012 conference were being touted in any serious fashion. Countries and individuals were eventually sounded out and by October 2011 Finland and its under-secretary of state for foreign and security policy, Jaakko Laajava, emerged as acceptable to all parties.²⁰ Laajava came with an impressive pedigree. He had studied at Harvard University, worked on arms control, the Organisation for Security and Co-operation in Europe, East and West European and Arctic security, and he had been Finland's ambassador to the United States and to the United Kingdom. With Finland named as the host for the conference, the expectation quickly developed

¹⁹ 'Statement by the National Security Advisor, General James L. Jones, on the Non-Proliferation Treaty Review Conference', The White House, 28 May 2010, <http://www.whitehouse.gov/the-press-office/statement-national-security-advisor-general-james-l-jones-non-proliferation-treaty>.

²⁰ 'Joint statement issued by UN Secretary-General Ban Ki-moon and the Governments of the Russian Federation, the United Kingdom and the United States', United Nations, 14 October 2011, SG/2180 DC/3307, <http://www.un.org/News/Press/docs/2011/sg2180.doc.htm>.

that it would be held in Helsinki towards the end of 2012 – within the date limit set by the NPT Review Conference in 2010.

Laajava hit the ground running, aware that he had very little time – just 12 months – to find the common ground and develop an agenda and preliminary agreement on the purpose and expected outcome of what was being dubbed ‘Helsinki 2012’. Finland quickly appointed a team of experts – drawn mostly from within its foreign and defence ministries but also from academia and from other countries – to work with Laajava to prepare the ground. In the first six months, he held over 100 consultations in regional capitals as well as in New York, Geneva, The Hague, Vienna and Helsinki, among other cities, with all stakeholders, including all states of the region, conveners of the conference, the nuclear-weapon states, relevant international organizations, civil society and other interested parties. The IAEA had held a useful forum in November 2011, chaired by Norwegian Ambassador Jan Petersen, on the ‘Experience of Possible Relevance to the Creation of a Nuclear-Weapons-Free-Zone in the Middle East’, which had helped the atmospherics. The NPT depositaries – Russia, the United Kingdom and the United States – as the co-conveners for the Helsinki conference, along with the UN High Representatives for Disarmament Sergio Duarte (earlier) and Angela Kane (later) who represented the UN secretary-general, established regular meetings with the facilitator and his team.

Laajava’s report to the NPT 2012 Preparatory Committee in Vienna was carefully crafted to maintain hope in the possibility of a conference in 2012 and to manage expectations, on the understanding that this was not going to be easy to achieve.²¹ However, in what appeared to be an effort to pour cold water over expectations, the US head of delegation, Tom Countryman, stated:

Just as our efforts to seek peace and security in a world without nuclear weapons will not be realized quickly, we understand that a WMD free zone in the Middle East can only be achieved once essential conditions are in place, most critically a comprehensive and durable peace and full compliance by all countries in the region with their non-proliferation obligations [...] To plan for a successful Conference it will be necessary to address the lack of confidence among regional states that all in the region are ready to approach the key issues in a constructive manner. The ability of the facilitator and conveners to foster this confidence is extremely limited. The states of the region themselves must take responsibility.

He went on to refer to the upheavals in Arab countries, and concerns over non-compliance with regard to Iran and Syria. More in tone than substance, the United States managed to reduce any preceding sense of optimism.²²

The United States was of course being heavily influenced by its discussions with Israel. Not being a member of the NPT – although insisting that Arab countries and Iran be strictly held to their obligations contained within that treaty – Israel was angry that decisions had been made within the NPT framework on a regional process in which it had no say but felt it was being forced to join. Although Israel supports the concept of a regional approach to nuclear weapons, it has always framed it as a sequential step in a wider regional peace and security effort. The Israeli approach can be expressed as ‘peace first, disarmament second’, whereas the Arab approach can be summarized

²¹ ‘Report of the Facilitator to the First Session of the Preparatory Committee for the 2015 Review. Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, Ambassador Jaakko Laajava’, 8 May 2012, http://www.reachingcriticalwill.org/images/documents/Disarmament-fora/npt/prepcom12/statements/8May_Laajava.pdf.

²² ‘Statement by Mr. Thomas M. Countryman, Assistant Secretary for International Security and Nonproliferation, US Department of State, Middle East Issues, First Session of the Preparatory Committee, 2015 Review Conference of the States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons’, 8 May 2012, http://www.reachingcriticalwill.org/images/documents/Disarmament-fora/npt/prepcom12/statements/8May_US.pdf.

as ‘disarmament now, peace will follow’.²³ Israel was very active behind the scenes in trying to make the whole Helsinki business just go away.

US officialdom seems to be split in two broad camps. On one side are those who think that the collapse of the Helsinki process could be blamed on Egypt and be manageable within the framework of the NPT. (The United States and other nuclear-weapon states have a tendency to believe that, whatever happens in regard to broken promises within the treaty, all countries have a vested interest in not allowing it to fail – which may be true but is a high-risk gamble in the long run.) On the other side are those who think that the WMD free zone would be beneficial to all countries in the region, including Israel, and is part of a set of commitments freely entered into by all NPT states parties and therefore should be fulfilled as part of a wider set of obligations.

By the autumn of 2012, however, the United States was actively saying off the record to governments and non-governmental organizations that the conference would not take place as planned in Helsinki in December of that year. Nonetheless Laajava refused to halt preparations for the conference or to speak of postponement. In November 2012, at the Second EU Consortium Middle East Seminar in Brussels, Ali Asghar Soltanieh, Iran’s ambassador to the IAEA, announced that his country would be attending the conference, ending months of speculation that it might not participate. The Brussels meeting was attended by senior Israeli academics but very few experts or officials from Arab states. This was apparently due in part to a concern that the meeting under the auspices of the EU Consortium (a non-governmental body funded by the EU) might be presented as a *fait accompli* and pre-empt the need for a meeting in Helsinki, and in part to a sense that the EU had not consulted at the right levels in Arab states on the agenda and participation.

Days later, it was announced that the Helsinki conference would not take place in December 2012 and – at the insistence of the United States – there was no set date for its reconvening. In its statement, the United States referred to a ‘deep conceptual gap’ in the region that can ‘only be bridged through direct engagement and agreement’ and that ‘outside states cannot impose a process [nor] dictate an outcome’.²⁴ The United States referred to the legitimate security interests of all states in the region and again called for the conference to include regional security and all WMD issues, and to operate solely on the basis of consensus. This made clear the United States’ concerns for Israel and refusal to support a conference ‘in which any regional state would be subject to pressure or isolation’.

Russia expressed its anger at the decision, insisting that the conference should be held before April 2013. Its Ministry of Foreign Affairs released a statement declaring that:

The Russian Federation, being strictly committed to its commitments and the ‘conveners’ mandate, believes that in the given conditions a decision to postpone the Conference can be justified only if there is a clearly expressed consent of the countries of the Middle East and the dates for the Conference are fixed. Moscow presumes that in case of the expressed consent of the regional states to the postponement of the Conference, the new dates should be fixed right now in order to convene the Conference at the earliest possibility, but no later than April next year. We are convinced that these several extra months would be enough for proper preparation and success of the Helsinki Conference on the establishment of MEWMDFZ.²⁵

²³ For a fuller discussion see Patricia Lewis, ‘A Middle East Free of Nuclear Weapons: Possible, Probable or Pipe-dream?’, *International Affairs*, Vol. 89, No. 2, March 2013.

²⁴ ‘2012 Conference on a Middle East Zone Free of Weapons of Mass Destruction (MEWMDFZ), Press Statement, Victoria Nuland, US State Department Spokesperson’, 23 November 2012, <http://www.state.gov/t/pa/prs/ps/2012/11/200987.htm>.

²⁵ Ministry of Foreign Affairs, Russia, ‘Press Statement on the 2012 Conference on the Establishment of a Middle East Zone Free of Weapons of Mass Destruction’, 24 November 2012, http://www.mid.ru/bdcomp/brp_4.nsf/e78a48070f128a7b43256999005bcbb3/fdb6a81ff09d276a44257ac2004d9362!OpenDocument.

The United Kingdom expressed regret, with the Foreign Office stating that:

More preparation and direct engagement between states of the region will be necessary to secure arrangements that are satisfactory to all [...] We welcome his commitment to conduct further multilateral consultations with the countries of the region to agree arrangements for a conference in 2013.²⁶

EU High Representative Catherine Ashton likewise expressed regret at the postponement and hope that the conference would be 'convened as soon as possible'.²⁷

Following the announcement of the postponement, Arab states and many others within the NPT expressed anger and frustration at the decision for three reasons:

- Since things had gone so close to the wire, many said that with the right political push the conference could have been held.
- The unspoken but glaringly obvious reason for the halt to proceedings was Israel's refusal to participate on the date proposed without more control over the agenda and expected outcomes.
- The lack of an announced date – even if only aspirational – was understood to be a further waning in commitment by the United States to the process.

The secretary-general of League of Arab States, Nabil El-Araby, 'expressed regret at the decision of the organisers [...] to postpone the conference', stressing that the league rejected any attempts to postpone the conference and that 'all countries in the region except Israel have expressed their willingness to participate'.²⁸ In January 2013, the league's council met in an extraordinary session at the ministerial level and issued a statement, according to which the Arab states:

- I. Consider the postponement of the 2012 Helsinki Conference a breach of the obligations of the conveners of the Conference.
- II. Reject the justification provided by some of the conveners and holds them responsible for the delay and its consequences for the international community.
- III. Instruct the Committee of Senior Officials to continue to communicate with the conveners and the facilitator to set a new date for the Conference, as early as possible and before the start of the second session of the Preparatory Committee for the 2015 NPT Review Conference.
- IV. Instruct the Committee to continue its engagement with geographical and political groups to rally support for the Conference and to take other steps deemed appropriate.
- V. Instruct the Committee to request the facilitator to continue bilateral consultations with the parties concerned on the basis of the current formula. The Committee should consider the proposal to participate in extended consultations with regional parties, in accordance with the terms of reference agreed upon in the Action Plan for the Middle East in the Final Document of the 2010 NPT Review Conference, including the 1995 Resolution on the Middle East, which is the basis of the 2012 Conference, and based on the following criteria, which would guarantee the interests of the Arab states:

²⁶ Foreign & Commonwealth Office, United Kingdom, 'Announcement on the Middle East Weapons of Mass Destruction Free Zone Conference', 24 November 2012, <https://www.gov.uk/government/news/middle-east-weapons-of-mass-destruction-free-zone-conference>.

²⁷ 'Statement by Catherine Ashton, High Representative of the European Union for Foreign Affairs and Security Policy and Vice President of the Commission', 24 November 2012, http://www.eu-un.europa.eu/articles/en/article_12893_en.htm.

²⁸ 'WMD-free Middle East conference postponed', *Daily News*, 26 November 2012, <http://www.dailynewsegypt.com/2012/11/26/wmd-free-middle-east-conference-postponed/>.

- a. The establishment of a set date for the Conference;
- b. The consultations must be held under the auspices of the United Nations and with a set agenda; and
- c. Those countries that formally announce their participation in the Conference can attend in the consultations.
- d. In the event that a date is not set for the convening of the Conference on the establishment of a Middle East zone free of nuclear weapons and all other weapons of mass destruction at the earliest opportunity, the Arab states will determine what steps could be taken, in all disarmament forums, including at the second and third sessions of the Preparatory Committee as well as at the 2015 NPT Review Conference and request the Committee of Senior Officials to develop a comprehensive action plan for the coming period, including additional steps to be taken, and to report to the Council at its next regular ministerial session.
- e. The Arab League Council at the ministerial level also requested the Secretary General of the Arab League to communicate with the Secretary-General of the United Nations to inform him the position of the Arab States, and to urge him to carry out the international organization's responsibilities and to play an active role.²⁹

Despite the best attempts of the facilitator – who was also deeply disappointed by the decision to postpone – to step up consultations, little progress was made in the first quarter of 2013.

By the time of the 2013 NPT Preparatory Committee in Geneva, no date or agenda had been agreed, and there was increasing frustration with the process. Laajava presented his report, in which he outlined his activities (over 300 rounds of discussions with the states of the region, the conveners, the nuclear-weapon states, other states, relevant international organizations, civil society, academia and think-tanks, and other relevant actors) and the state of play.³⁰ He expressed his disappointment at the postponement of the Helsinki conference, quoting a comment by the chair of the Preparatory Committee, Cornel Feruta of Romania, that 'we might have missed a deadline, but we have not lost the opportunity'. But Laajava also stressed that all the states of the Middle East and the conveners had expressed their willingness to continue the preparations for the conference.

The meat of the presentation was found in Laajava's stated determination to 'intensify efforts to consult with all partners concerned, both bilaterally and in other formats, informally and more formally, including through silent diplomacy'. He reported on his attempts to hold multilateral consultations with the purpose of securing arrangements for the conference to be freely arrived at by the states of the region. Through these consultations, Laajava said, he hoped 'to take the process one step forward'. He ended by saying that conveners and he intended to make efforts for

all relevant parties [to] be brought together for a constructive dialogue that advances the objective of the Middle East zone [...] as willingness by the regional States to engage each other in a constructive spirit is essential before, during and after the Helsinki Conference.

²⁹ 'League of Arab States Council Statement on Postponement of the ME WMD FZ Conference', Dan Joyner, Arms Control Law, 5 March 2013, <http://armscontrolaw.com/2013/03/05/league-of-arab-states-council-statement-on-postponement-of-the-me-wmd-fz-conference/>.

³⁰ 'Remarks by Under-Secretary of State Jaakko Laajava, facilitator for the Conference on the establishment of a Middle East zone free of nuclear weapons and all other weapons of mass destruction', 29 April 2013, http://www.reachingcriticalwill.org/images/documents/Disarmament-fora/npt/prepcom13/statements/29April_Laajava.pdf.

In response many countries took the floor to voice disappointment and concern at the postponement and the absence of a reset date for the conference. Russia also echoed the call for immediately engaging in preparatory multilateral consultations with the participation of all states of the Middle East, making it clear that these – three or more were suggested – would not be a substitute for convening the Helsinki conference.

Drama was provided by the Egyptian delegation, however, which said it:

Reject[ed] the excuses that were given [and that] postponement was a flagrant non-fulfillment of agreed commitments [...] and another step in a long history of unimplemented decisions regarding the establishment of a zone free of nuclear weapons in the Middle East.

The delegation then left the Preparatory Committee en masse.³¹

Ambassador Hisham Badr issued a statement emphasizing that:

Egypt strongly supports the NPT regime. It has always championed the cause of a nuclear weapon free world. However, the establishment of a Middle East nuclear weapon free zone is essential for our national interest. We cannot wait forever for the launching of a process that would lead to the establishment of this zone, a process that was repeatedly committed to within the NPT. We cannot continue to attend meetings and agree on outcomes that do not get implemented, yet to be expected to abide by the concessions we gave for this outcome.³²

Generally, however, even among strong supporters of the zone and of Egyptian policies there was a sense that the walkout had backfired and not helped efforts towards the creation of the zone. No other state walked out. One senior, highly respected Egyptian expert cast his country's action in the following terms: 'Egypt acted alone, choosing not to champion or influence an all-Arab withdrawal, even though many other Arab League members were equally dissatisfied with the failure to honour the 2012 conference commitment'.³³ But support was muted and the Egyptian walkout served primarily to expose the lack of solidarity over this issue within the League of Arab States. Indeed, Egypt's action was unprecedented (even though there are plenty of contenders for the title of 'most frustrated member' at NPT meetings) and there was a sense that it was an unconstructive and petulant move rather than one conducive to making progress. There were attempts by the chair to encourage the Egyptians back into the meeting, including the delay of proceedings and meetings with the chair, the facilitator, officials and so on. It was clear that the Egyptian walkout was only meant to serve as a protest for the 2013 Preparatory Committee and not as a threat or a promise to walk out of other meetings or even withdraw from the treaty. 'Egypt is not North Korea' is a phrase that has been stressed since the Geneva NPT Preparatory Committee. In order to assist the process in 2011 and 2012, the Arab states had refrained from submitting the Israeli Nuclear Capabilities (INC) resolution at the IAEA, but by September 2013 they had decided to resubmit the resolution, which was narrowly defeated, with 51 votes against, 43 in favour and 32 abstentions.

It is also important to note that Egypt has been in a state of permanent political crisis (see below) since January 2011. The government that was in office in April 2013 was ousted by the military three months later. That is not to say that there was more or less commitment to the NPT or the

³¹ The Egyptian delegates, although displaying a swaggering attitude as they walked out and afterwards, appear to have seriously misread how their action was seen by other delegations, some of whom made jibes at their expense instead.

³² 'Statement by HE Ambassador Hisham Badr, Assistant Minister of Foreign Affairs for International Organizations and Multilateral Affairs of the Arab Republic of Egypt, Second Session of the Preparatory Committee to the 2015 NPT Review Conference', 29 April 2013, http://www.reachingcriticalwill.org/images/documents/Disarmament-fora/npt/prepcom13/statements/29April_Egypt.pdf.

³³ Mahmoud Karem, 'Missed Opportunities to Rid the Middle East of WMD', *The Palestine-Israel Journal*, Vol. 19, No. 12, 2013, <http://www.pij.org/details.php?id=1504>.

WMD free zone from any Egyptian government or party. This commitment has remained steadfast throughout the political upheavals and power struggles in the region. The new government has adopted a different style in the negotiations, however, and – although there are hangovers from 2013 – its general approach has been more flexible and engaged. In this regard, Nabil Fahmy, the foreign minister in 2013–14, proposed a set of ways forward in a speech at the UN General Assembly in September 2013 that included inviting states to write official letters to the UN secretary-general to declare their support for the WMD free zone, countries that have not signed and ratified the relevant conventions committing to do so (at some unspecified but simultaneous point in the future), and holding the Helsinki conference as soon as possible and certainly before the spring of 2014.³⁴ The clear intention behind these proposals was to open up political space for Egypt and Israel in the wake of the deadly use of chemical weapons in Syria in August 2013. Syria has now joined the Chemical Weapons Convention, while Israel remains a signatory but has not yet ratified it and Egypt has yet to sign. In contrast, Egypt has signed but not ratified the Biological Weapons Convention, while thus far Israel and Syria have not joined it. Israel alone in the region remains outside the NPT, and although Israel and Egypt have signed the Comprehensive Nuclear-Test-Ban Treaty (CTBT), neither has ratified it. In suggesting the opening up of another channel at the ministerial level, the Egyptian government signalled the adoption of a creative and flexible approach that could assist in deliberations. However, as yet, very little attention has been paid to the initiative.

Things began to shift in a positive direction from October 2013. After months of efforts, including an attempt to meet in Vienna where delegations were present at the same time but not in the same room, the facilitator and co-conveners including UN High Representative for Disarmament Angela Kane convened a meeting in Glion, Switzerland, at which Israeli, Arab and Iranian officials began to discuss modalities and expectations for the Helsinki meeting. The levels of participation were various – very senior capital-based officials from Israel, Russia, the United Kingdom, the United States and UN headquarters, and more locally based officials from Iran and the Arab states, with the exception of Libya, Oman and the United Arab Emirates and the League of Arab States.³⁵ Getting these parties together was in itself a breakthrough but most of the Arab states remained somewhat nervous about the approach. As for Iran, it was at the time engaging in negotiations to broker a deal in the E3+3 talks on its nuclear capability (just a few kilometres away in Geneva) and the choice of a more junior Iranian delegate was not remarkable.

The first Glion meeting was not without its problems and set a pattern for subsequent ones, with the first part of the discussions covering much ground and being constructive but things becoming tense and less congenial in the second part. It was followed by two more in Glion in November 2013 and in February 2014. Iran did not participate in the subsequent meetings, most likely owing to media reports on its participation in talks with Israeli officials outside UN buildings. Even though the UN convened the Glion meetings, this issue can prove a very difficult one for Iranian officials. Meanwhile Egypt and other countries upped their levels of participation to include more senior officials. The League of Arab States has participated in every gathering. At the last Glion meeting, much progress was made towards establishing a date and an agenda for the Helsinki meeting, although there were misgivings about the likelihood of full buy-in from all the Arab states and Iran, and so a set of possible dates remains on the table. Following a muted NPT Preparatory Committee – the last before

³⁴ Address to the 68th Session of the UN General Assembly, HE Mr Nabil Fahmy, Minister of Foreign Affairs of the Arab Republic of Egypt, 28 September 2013, http://gadebate.un.org/sites/default/files/gastatements/68/EG_en.pdf.

³⁵ 'Israel Reportedly Meets with Arab States to Discuss WMD-Free Zone', Global Security Newswire, Nuclear Threat Initiative, 1 November 2013, <http://www.nti.org/gsn/article/israel-reportedly-meets-arab-states-discuss-wmd-free-zone/>.

the 2015 Review Conference – in which frustration was expressed by the Arab states, a subsequent meeting took place in Geneva in May 2014, with follow-on meetings planned for the following months in the hope that a constructive meeting could still be held in Helsinki before the end of 2014. Tangible progress has been made with text that attempts to identify the range and overlap of positions for the agenda and possible outcomes from a Helsinki conference.³⁶

³⁶ Elaine M. Grossman, 'Mideast Envoys Weigh Two New Bids to Jolt WMD-Ban Talks', *The National Journal*, 6 June 2014, <http://www.nationaljournal.com/global-security-newswire/mideast-envoys-weigh-two-new-bids-to-jolt-wmd-ban-talks-20140606>.

Factoring in the Background

In the four years since the adoption of the NPT 2010 final document, much has happened in the Middle East that has had a significant impact on the security and arms control environment.

The so-called Arab Spring saw grassroots uprisings against the governments in several countries, including in Tunisia, Morocco, Libya, Yemen, Bahrain, Egypt and Syria. The Libyan uprising led to military action by NATO and the installation of a new government. In the process, undeclared chemical weapons stocks were discovered and handed over to the Organization for the Prohibition of Chemical Weapons (OPCW) for dismantlement.³⁷ There remains some concern that not all the undisclosed stocks in Libya were captured and dismantled, and that some may have ended up in other countries such as Syria.

The massive use of chemical weapons in Syria in August 2013 (and the allegations of lesser use on other dates³⁸) resulted in an agreement between Russia and the United States,³⁹ with the full support of the Chemical Weapons Convention (CWC), the OPCW and the UN Security Council, for Syria to join the CWC and declare and surrender its chemical weapons stocks for dismantlement. By April 2014, all the production and filling capabilities in Syria had been rendered inoperable, and 86.5 per cent of the total stocks had been removed from the country, including 88.7 per cent of all Priority 1 chemicals. The agreement, which aimed to have all of Syria's chemical weapons destroyed by 30 June 2014, has resulted in multinational cooperation with dismantling facilities on ships at sea. Although the conflict in Syria has not abated, and there is still sporadic use of chemicals such as chlorine gas, and many other outlawed weapons – specifically cluster munitions and landmines – are used against civilians, the deal has provided fresh impetus for eliminating WMDs in the Middle East.

Progress in the E3 + 3 talks on Iran's nuclear capability has had a similar effect on the issue of nuclear non-proliferation. Since the election of President Hassan Rouhani in 2013, a new approach to negotiations has taken hold on both sides. In November 2013, an interim deal was struck that took effect on 20 January 2014 for six months. This incorporates a set of measures intended to lead to a longer-term solution that will see Iran's peaceful nuclear capabilities remain, with far more confidence that there are no plans for their diversion into a weapons programme. Although many countries in the region – most notably Israel and Saudi Arabia – are scathingly sceptical about the deal and its likely long-term effectiveness, others are far more optimistic.⁴⁰ In April, the IAEA reported that since 20 January Iran had:

³⁷ Organization for the Prohibition of Chemical Weapons, 'Libya: Facts and Figures', <http://www.opcw.org/the-opcw-and-libya/libya-facts-and-figures/>.

³⁸ 'Syria chemical weapons allegations', BBC News, 31 October 2013, <http://www.bbc.com/news/world-middle-east-22557347>; Organization for the Prohibition of Chemical Weapons, 'OPCW to Undertake Fact-Finding Mission in Syria on Alleged Chlorine Gas Attacks', 29 April 2014, <http://www.opcw.org/news/article/opcw-to-undertake-fact-finding-mission-in-syria-on-alleged-chlorine-gas-attacks/>.

³⁹ 'Framework for the elimination of Syrian chemical weapons, US Department of State, Media Note', 14 September 2013, <http://m.state.gov/md214247.htm>.

⁴⁰ Damien McElroy, 'Iran nuclear deal: Saudi Arabia warns it will strike out on its own', *Daily Telegraph*, 25 November 2013, <http://www.telegraph.co.uk/news/worldnews/middleeast/iran/10472538/Iran-nuclear-deal-Saudi-Arabia-warns-it-will-strike-out-on-its-own.html>; 'Jerusalem fears trouble in Iran nuclear negotiations', *Jerusalem Post*, 4 May 2014, <http://www.jpost.com/Diplomacy-and-Politics/Jerusalem-fears-trouble-in-Iran-nuclear-negotiations-Dermer-says-351241>.

not enriched uranium above 5 per cent U-235 at any of its declared facilities; not operated cascades in an interconnected configuration at any of its declared facilities; completed the dilution – down to an enrichment level of no more than 5 per cent U-235 – of half of the nuclear material that had been in the form of UF₆ enriched up to 20 per cent U-235 on 20 January 2014; fed 50.1 kg of UF₆ enriched up to 20 per cent U-235 into the conversion process at the Fuel Plate Fabrication Plant (FPFP) for conversion into uranium oxide; had no process line to reconvert uranium oxides back into UF₆ at FPFP; not made ‘any further advances’ to its activities at the Fuel Enrichment Plant (FEP), the Fordow Fuel Enrichment Plant (FFEP) or the Arak reactor (IR-40 Reactor), including the manufacture and testing of fuel for the IR-40 Reactor; provided an updated Design Information Questionnaire (DIQ) for the IR-40 Reactor and agreed to hold a meeting with the Agency on 5 May 2014 to start discussions aimed at agreeing on the conclusion of a Safeguards Approach for the reactor; continued the construction of the Enriched UO₂ Powder Plant (EUPP) for the conversion of UF₆ enriched up to 5 per cent U-235 into oxide and consequently has yet to begin converting to oxide the UF₆ ‘newly enriched’ up to 5 per cent U-235; continued its safeguarded enrichment R&D practices at the Pilot Fuel Enrichment Plant (PFEP), without accumulating enriched uranium; not carried out reprocessing related activities at the Tehran Research Reactor (TRR) and the Molybdenum, Iodine and Xenon Radioisotope Production (MIX) Facility or at any of the other facilities to which the Agency has access; provided information and managed access to the uranium mine and mill at Gchine; continued to provide daily access to the enrichment facilities at Natanz and Fordow; and provided regular managed access to centrifuge assembly workshops, centrifuge rotor production workshops and storage facilities, and provided information thereon.⁴¹

Such progress will undoubtedly help the WMD free zone process. Even for Israel and Saudi Arabia, which remain deeply sceptical of Iran’s intention to comply with the deal, the prospect of the Helsinki conference at least holds out another chance to address the issue in a different forum within a wider set of concerns.

Perhaps one of the most significant difficulties within the WMD free zone process has been the instability in Egypt. Following the overthrow of President Hosni Mubarak in 2011, and the adoption of a constitution and the holding of elections, the formation of a Muslim Brotherhood government headed by President Mohamed Morsi resulted not so much in a change in policy regarding the zone as in a shift in emphasis away from diplomacy and towards a more *realpolitik* approach. In some ways this worked for Egypt. A more pragmatic line within the region was hailed as a breath of fresh air in what had become a staid set of diplomatic principles that had become dogmatic and could often slow progress down. The creation of an interim government following the military’s intervention and the appointment first of Nabil Fahmy and more recently of Sameh Shoukry as foreign minister has resulted in a rebalancing of Egypt’s foreign policy with more emphasis on diplomacy, trade and re-establishing the country as a significant player on the international stage. The zone process is in dire need of focused, clear leadership from Egypt again. The outcome of the Egyptian presidential elections in May 2014 could provide a new opportunity for a sustained forward-looking, modern approach to the issue, with Israel and Egypt taking the lead.

The Arab uprisings have increased uncertainty in the debates on WMD in the region and it has been difficult to maintain unity within the League of Arab States. Secretary-General Nabil Elaraby and the Representative for Disarmament and Regional Security and Director of Multilateral Relations, Wa’el Al-Assad, have managed to steer a course through the choppy waters but it has not been an easy

⁴¹ ‘Status of Iran’s Nuclear Programme in relation to the Joint Plan of Action, Report by the Director General’, GOV/INF/2014/10, 17 April 2014, <http://www.iranfactfile.org/wp-content/uploads/2014/04/Iran-report-17-April-2014.pdf>.

task. Fortunately, the league has been discussing the WMD free zone for many years and has built up expertise and capacity on the issue, as well as drawing up a draft treaty in preparation for negotiations on a zone.

Israel has also seen its share of political instability, including protests against the high costs of living and housing, political scandals, racial tensions, religious tensions (including a big societal shift in requiring orthodox communities to contribute to society through national military service) and industrial action by Foreign Ministry staff over pay levels and conditions. In addition, US Secretary of State John Kerry has been intensely engaged in attempts to broker a peace deal between Israel and Palestine – an issue of far greater importance for Israel than the WMD free zone and the Helsinki conference. The fact that Israel has engaged substantively with the Glion process with a view to attending the conference demonstrates commitment, and is no small achievement for the Arab states, the facilitator and the co-conveners.

Possible Outcomes and Ways Forward

There are three possible scenarios that might play out in the period leading up to the April 2015 NPT Review Conference. They are:

- a successful Helsinki conference at the end of 2014,
- an unsuccessful Helsinki conference at the end of 2014, and
- no Helsinki conference before the 2015 Review Conference.

The first scenario would require the Geneva meetings to agree the date and agenda for Helsinki. The Arab states, Israel and Iran would participate in the conference, which would set forth subsequent steps that could take the form of working groups and sub-committees to discuss a range of issues in parallel or in sequence over a period of some years. The Helsinki conference, albeit two years later than originally planned, would provide a major success in time for the 2015 NPT Review Conference.

An unsuccessful conference in Helsinki at the end of 2014 could, however, result from a situation in which key players decided at the last minute to stay away after initially agreeing to participate; or from a situation in which all major players participated but left without agreement on the next steps, which would undoubtedly also involve considerable acrimony. The failure of the Helsinki conference would be a severe setback just before the NPT 2015 Review Conference. Although all NPT states could demonstrate that there was good faith in establishing the conference, a blame game would be likely to ensue. The NPT would be damaged in the immediate aftermath and, unless there were clear and prompt moves to rectify the situation, the long-term impact on the treaty and on Middle East regional security would be highly negative.

Failure even to hold a Helsinki conference before the 2015 Review Conference would result from no agreement being reached at the Geneva meetings, where efforts on the part of the facilitator or conveners were unable to persuade key states to attend the conference. Such an outcome would severely damage the NPT and would make the 2015 Review Conference almost impossible to handle. The failure would dominate the debate and would create a highly detrimental blame game with little prospect of recovery in the short term. The long-term impact on the treaty and on Middle East regional security would be highly negative and there could be severe repercussions.

The way forward from a successful Helsinki conference

A successful Helsinki conference would be defined as one leading to an outcome that initiated a process of negotiation towards a WMD free zone that included all states in the region. As part of this process, the conference would have to establish a set of working groups or committees that addressed the full range of interconnected issues: nuclear, chemical and biological weapons and their means of delivery (not just missiles); supportive measures such as confidence- and security-building measures; wider regional security issues; and verification and other technical measures. The timing of each meeting could be arranged sequentially in rotation – working group 1, working group 2, working group 3, working group 1 and so on – so as not to overload the capacities of the different foreign

and defence ministries. The Helsinki conference could establish a set of working groups or committees that divide the workload into:

- nuclear weapons,
- chemical weapons,
- biological weapons,
- means of delivery including missiles,
- supportive measures/confidence- and security-building measures,
- wider regional security issues, and
- verification and other technical measures.

These could be grouped into three main working groups on themes such as:

- scope and content of the zone,
- technical issues, including verification measures, and
- supportive measures such as regional security-building measures and confidence-building measures.

The immediate impact of establishing a process of negotiation for the zone would be to bolster the prospects for success at the NPT Review Conference in 2015 and shore up support for the NPT within Middle Eastern states. A great deal could go wrong within the negotiations in the long term – indeed, this is to be expected – but at least the NPT’s mission as a vehicle for universal non-proliferation and disarmament, and one that can deliver on long-term promises, would receive a much-needed boost.

If the negotiations were able to proceed in a constructive manner, probably over a period of years, there are several mutually reinforcing paths that could be followed, in parallel or in sequence.

One efficient and obvious way would be to focus the negotiations on the nuclear aspects of the zone, with the understanding that all states in the region are committed to joining the CWC and the Biological Weapons Convention (BWC). This is the basis of the proposal made by Egypt’s foreign minister at the UN General Assembly in September 2013 for countries in the region that have not signed and ratified the relevant conventions to commit now to do so simultaneously at some point in the future and for the UN secretary-general to coordinate the efforts.⁴² Indeed, an appropriate time for such a commitment, at least for the CWC and the BWC, would be at the Helsinki conference. It would serve as a demonstration of goodwill and as a significant contribution to the all-out efforts to have every country committed to the CWC and BWC prior to the 2015 centenary commemorations of the first massive use of chemical weapons in conflict. To have taken such steps before that anniversary, especially in the light of recent massive use of chemical weapons in the Middle East, would shore up regional security and enhance the political reputations of the region’s leaders.

On the nuclear side, all states in the region could agree (at Helsinki or at a later date) to accede to the CTBT simultaneously at some point in the future. Such a move would strongly enhance global efforts to bring the treaty into force. In the Middle East, only Saudi Arabia and Syria have yet to sign, while Egypt, Iran, Israel and Yemen have signed but have yet to deposit their instruments

⁴² Fahmy, Address to the 68th Session of the UN General Assembly.

of ratification.⁴³ A commitment to ratify would also be a strong confidence-building measure in the zone negotiations – signalling a lasting commitment never to test nuclear weapons in the Middle East.

In focusing on the nuclear aspects of a Middle East WMD free zone, the negotiators will be able to draw on a significant body of work laid down over six decades that includes successful working zone treaties now covering all of the land mass in the southern hemisphere plus many countries north of the equator.

Recent research has developed the concept of a zone drawing up elements inspired by other nuclear-weapon-free zones that could form the basis of a Middle East zone treaty.⁴⁴

In terms of the **geographical area**, unlike with other regions, the Middle East does not form a distinct geographical unit bounded by oceans and clear land demarcations. Several members of the League of Arab States are not considered even to be in the Middle East geographical area. The Middle East zone region is generally accepted as consisting of the members of the League of Arab States⁴⁵ plus Iran and Israel. The region could be defined in one of two ways: either by explicitly naming each entity or by delineating the territories as encompassing land territory, internal waters, territorial seas and the airspace above them all, as well as the seabed and subsoil beneath. Turkey, although often considered to be in the region, would not be considered part of a WMD free zone owing to its membership of NATO and the stationing of US nuclear forces on its territory.

Other treaties have tackled **the definitions of nuclear weapons, materials and facilities**.

- A *nuclear weapon* could be defined as a nuclear explosive device capable of releasing nuclear energy, including in unassembled or partly assembled forms.
- So-called *peaceful nuclear explosions* are explicitly banned under Article 1 of the CTBT and would not be permitted in an NWFZ treaty for the Middle East.
- *Nuclear materials* include source materials and special fissionable materials as defined in Article XX of the Statute of the International Atomic Energy Agency and do not include naturally occurring source materials.
- *Radioactive waste* is defined as ‘any substance containing radionuclides, that will be or has already been removed and is no longer utilized, at activities and activity concentrations of radionuclides greater than the exemption levels established in international standards issued by the IAEA’.⁴⁶
- *Nuclear facilities* are defined as any location where nuclear material of a mass greater than one kilogram is customarily used, including nuclear reactors, critical facilities, conversion plants, fabrication plants, reprocessing plants, enrichment facilities, isotope separation plants or separate storage installations.⁴⁷

⁴³ Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization, ‘Status of signature and ratification’, <http://ctbto.org/the-treaty/status-of-signature-and-ratification/>.

⁴⁴ The work was carried out by the author and Nabil Fahmy under the auspices of the Center for Nonproliferation Studies at the Monterey Institute of International Studies. The research was first reported in Nabil Fahmy and Patricia M. Lewis, ‘Possible Elements of an NWFZ Treaty in the Middle East’, *Nuclear-weapon-free-zones, Disarmament Forum*, No. 2, United Nations Institute for Disarmament Research, 2011.

⁴⁵ Algeria, Bahrain, Djibouti, Egypt, Iran, Iraq, Israel, Jordan, Kuwait, Lebanon, Libyan Arab Jamahiriya, Mauritania, Morocco, Oman, the Palestinian Authority, Qatar, Saudi Arabia, Somalia, Sudan, Syria, Tunisia, the United Arab Emirates and Yemen.

⁴⁶ As outlined in the Treaty on a Nuclear-Weapon-Free Zone in Central Asia, which was signed on 8 September 2006 and entered into force on 21 March 2009.

⁴⁷ As outlined in the African Nuclear-Weapon-Free Zone Treaty, which was signed on 11 April 1996 and entered into force on 15 July 2009.

All nuclear weapons activities would have to be proscribed by the treaty, whereas nuclear materials and facilities for peaceful purposes would be permitted. Nuclear explosive testing would be prohibited: the treaty could require membership of the CTBT as a basic obligation.

Any existing or previously existing nuclear weapons capabilities obtained prior to the entry into force of the treaty would have to be declared. For chemical and biological weapons, this can be done through the extant treaties. Given the severe political ramifications and the degree of technical difficulties in dismantling weapons capabilities, in addition to the potential for the spread of classified information, one already tried-and-tested solution (in the case of South Africa) would be for a possessing state to dismantle any capabilities in advance of the entry into force of the treaty, with the verification of the dismantlement being carried out by an international team of inspectors.

The stationing of any nuclear weapons would be prohibited within the zone. Their transit and transport into territorial waters could be similarly prohibited for all or – as in the Pelindaba Treaty – left to each treaty member to resolve.⁴⁸

All nuclear facilities within the zone would be declared and placed under IAEA safeguards, and annual declarations to the agency could list the facilities. The dumping of radioactive waste and related material on land, or in the sea, rivers or inland waters would be prohibited by all states and regional and international organizations. The physical protection of nuclear materials and facilities, such as those contained within the 1987 Convention on the Physical Protection of Nuclear Material,⁴⁹ and those developed by the IAEA and by the Nuclear Security Summits in 2010, 2012, 2014 and 2016,⁵⁰ would be applied. The treaty would also prohibit the undertaking, assisting or encouraging of any attack on a civil nuclear facility in the Middle East, including cyber attacks, given the history of such attacks in the region and the need for a Middle East NWFZ treaty to stabilize nuclear relations. A prohibition on armed attack is contained in the Treaty of Pelindaba and a non-attack agreement has existed for India and Pakistan with respect to their nuclear facilities since 1988.⁵¹

Verification methods and compliance monitoring for the WMD free zone has received far too little attention thus far. Should negotiations towards a zone commence, considerable effort would need to be invested in technical capacity-building for monitoring and verification in the region.

There are three models on which to draw regarding verification and compliance measures:

- Extensive verification and compliance functions carried out by a new standing institution;
- Reliance on existing IAEA verification instruments supplemented by other reporting requirements; and
- Building on the provisions of the Treaty of Pelindaba, to which a number of states in the Middle East are already signatories or states parties.
- A comprehensive safeguards agreement with the IAEA would form a vital part of the compliance-monitoring mechanism. Given the nuclear suspicions and opacity within the

⁴⁸ In the Pelindaba Treaty, each state ‘remains free to decide for itself whether to allow visits by foreign ships and aircraft to its ports and airfields, transit of its airspace by foreign aircraft, and navigation by foreign ships in its territorial sea or archipelagic waters in a manner not covered by the rights of innocent passage, archipelagic sea lane passage or transit passage of straits’.

⁴⁹ International Atomic Energy Agency, ‘The Convention on the Physical Protection of Nuclear Material’, document INFCIRC/274/Rev.1, May 1980. The convention opened for signature on 3 March 1980 and entered into force on 8 February 1987.

⁵⁰ The Nuclear Security Summit, http://www.thenuclearsecuritysummit.org/eng_main/main.jsp.

⁵¹ The Agreement between India and Pakistan on the Prohibition of Attack Against Nuclear Installations and Facilities (India-Pakistan Non-Attack Agreement) was signed on 31 December 1988 and entered into force on 1 January 1991.

region, a safeguards arrangement that is negotiated separately between the agency and the states of the region for the purposes of the treaty using the Additional Protocol⁵² as its basis would enhance confidence in treaty compliance. A Commission on Nuclear Energy in the Middle East could be established as a substantive body that would gather its own information, interact with and transmit reports to the IAEA, and be able to call independently on the agency for clarification, technical visits and inspections when the need arose. For routine inspections, Additional Protocol IAEA safeguards could provide the basic package with a regional own inspection mechanism provided by the commission if required.⁵³

A set of confidence-building measures could be used to support the zone, increasing faith in compliance with the obligations and commitments of parties. This could take the form of a supplemental regime that would include:

- regional information exchanges,
- regional declarations,
- regional training courses,
- scientific and technical capacity-building,
- confidence-building mechanisms,
- practice challenge inspections,
- challenge inspections, and
- compliance discussions.

The range of supplemental confidence-building measures could go further than the IAEA and OPCW information, declarations, inspections and training measures, and build confidence in the zone and in the intentions of regional parties towards it. For example, regional information exchanges and regional declarations could include information on planned missile launch tests, missile locations, missile developments, nuclear safety and security measures, and chemical and biological weapons defence installations. Scientific and technical capacity-building could include joint exercises, joint development and use of equipment, and joint scientific and technical training courses. A Regional Group of Verification and Implementation Experts that could meet regularly to discuss technical issues has been proposed.⁵⁴

Confidence-building measures can also be used to go further than building confidence in compliance with the zone – for example, by creating a platform to combat chemical, biological, radiological and nuclear (CBRN) terrorism modelled on UN Security Council Resolution 1540 and its implementation.⁵⁵ Indeed, the Jordanian–Israeli agreement of 1975 on the exchange of information

⁵² IAEA, 'Model protocol additional to the agreement(s) between states(s) and the International Atomic Energy Agency for the application of safeguards', document INFCIRC/540 (Corrected), September 1997.

⁵³ See, for example, Article 12 of Treaty of Pelindaba establishing the African Commission on Nuclear Energy (AFCONE) for the purpose of ensuring compliance with the treaty.

⁵⁴ Andreas Persbo, 'Verification Solutions for the Middle East WMD Free Zone, Conference on a Middle East Free of Weapons of Mass Destruction: The Difficulties', The Scottish Parliament, Edinburgh, 28 May 2012.

⁵⁵ The ideas on a CBRN Platform in the Middle East are taken from an unpublished Chatham House-commissioned paper by Karim Kamel and Ibrahim Said on 'Verification Models and Practicalities: Steps Towards Establishing the MEWMDFZ'.

and coordination between security services in combating terrorism developed confidence and enhanced cooperation between these two countries, and helped them reach a peace treaty in 1994.⁵⁶

The 1540 Committee's activities consist of elements that can address immediate concerns about the security of CBRN material, and at the same time build capacities necessary to establish a WMDFZ. Its activities comprise:

- assisting and training on physical protection and accountancy of material,
- establishing a focal point for assistance providers and seekers with regard to material control, and
- carrying out visits for facilities and help in drafting action plans.

By addressing CBRN security, an organic infrastructure for increasing confidence in a WMDFZ could be built whereby states and non-state security issues could be addressed in the same forum. On the capacity-building front, regional centres of excellence could be a useful model for implementing the building of capacities for WMD security. For example, the Middle East Regional Secretariat of the EU Chemical, Biological, Radiological and Nuclear (CBRN) Risk Mitigation Centres of Excellence has been established in Amman, Jordan. The first operational regional secretariat, it held its first meeting in September 2012.⁵⁷ Such an approach could help foster a regional security cooperation to deal with non-state armed groups in a way that allows more room for agreement rather than dissent.

As with other NWFZs, a Middle East zone would incorporate **security assurances** from the five NPT nuclear-weapons states.⁵⁸ The protocols would commit these to upholding the treaty and undertake not to use or threaten to use nuclear weapons against any state party to it or any territory within the zone, and not to contribute to any act that constitutes a violation of the treaty or of the protocols.

Building capacity to implement and verify the WMD free zone is an investment worth making whatever the outcome of the Helsinki conference. Training inspectors, developing common methodologies and learning how to use technical instruments for monitoring and implementing the zone will not only prepare the region, it will also build relationships among scientists and inspectors and, over time, confidence in the seriousness of intent among the states of the region. Investing in capacity-building is one of the most important contributions that can be made by outside bodies to the elimination of WMDs in the Middle East.

The security of the Middle East is a topic that requires a wide discussion among all segments of the societies in the region. Disarmament and nonproliferation education for citizens throughout the Middle East, including on the catastrophic impact of the use of WMDs, particularly nuclear weapons, would be a valuable tool. For example, a Track-Two forum that would include young political leaders, young scientists and young journalists would help lay the foundations for a increasingly informed debate in civil society and, later, between governments.

⁵⁶ Michael Krepon, *Global Confidence Building: New Tools for Troubled Regions* (New York: St Martin's Press, 1999); Bernd W. Kubbig and Sven-Eric Fikenscher, 'The Promise of Military Transparency', in *Arms Control and Missile Proliferation in the Middle East* (London: Routledge, 2012), pp. 223–24.

⁵⁷ 'Launch of the CBRN Centre of Excellence, Middle East Scientific Institute for Security,' Middle East Scientific Institute for Security, 6 September 2012, <http://www.mesis.jo/news/207>.

⁵⁸ China, France, the Russian Federation, the United Kingdom and the United States.

The way forward from an unsuccessful conference or no conference at all

The impact on the NPT of a failed conference or of not holding a conference at all would be severe. A rerun of the 2005 scenario where no agenda could be agreed would be one possibility, and there might be worse. Much would depend on the reasons for the failure of Helsinki and the ways in which blame was apportioned. It is also likely that there would be other repercussions in the IAEA, the Nuclear Security Summit and the UN Security Council, including for the Resolution 1540 implementation.

The concept of a zone could still be salvaged, however. There is support for it within the UN General Assembly (with the annual resolution) and there are other ways to approach the zone than through the NPT. However the NPT itself would be dealt a severe blow, to the detriment of all concerned, including those countries such as Israel that remain outside the treaty but whose regional security depends heavily on its functioning well. It is quite likely that an unsuccessful Helsinki conference or the failure to hold one at all would contribute to a long-term breakdown in the NPT order in the Middle East. Lessening of the authority and legitimacy of the NPT in the region could contribute – alongside other factors – to threats of clandestine activities, leading to more countries with nuclear capabilities. It would then be difficult to rein them in through NPT mechanisms as respect for the treaty would have been further diminished. There could be increased threats to facilities and in the long term the threat of nuclear weapons use. The threat of military action against facilities in the region (including cyber attacks such as Stuxnet and Flame employed against Iranian capabilities⁵⁹) is already a feature – Israel, for example, attacked the Osirak nuclear reactor in Iraq in 1981⁶⁰ and more recently in 2007 the Al Kibar facility under construction in Syria.⁶¹ But this could become more widespread and could include threats against militarily strong states such as Israel.

In the event of the failure of the Helsinki conference, would it be worth exploring other avenues for action? It is unlikely that there would be much appetite for pressing ahead within the NPT framework, although it is equally unlikely that the issue will fall off the NPT agenda. It will most likely remain a thorn in the side of the treaty and its mechanisms for as long as a WMD free zone in the Middle East remains elusive. Other routes may prove fruitful if and when the NPT route comes to an end.

Revamp the Madrid peace process

One suggestion would be to go back to look at the 1991 Madrid peace process and see if the approach taken at that time and which led to the 1993 Oslo Peace Accord and the 1994 Israeli–Jordanian Peace Treaty could be adapted for today. The Arms Control and Regional Security talks perhaps should not be resurrected, but some of the work done within that framework was useful and could provide a set of ideas on which to build. Taking a regional approach to security and disarmament without going through the UN or the NPT requires in particular bold leadership in Egypt and Israel that champions a commitment to a sustained joint vision on the end goal. This will require the two countries to enter into direct negotiations in order to get the ball rolling. The current

⁵⁹ David E. Sanger, 'Obama order sped up wave of cyberattacks against Iran', *New York Times*, 1 June 2012, , <http://www.nytimes.com/2012/06/01/world/middleeast/obama-ordered-wave-of-cyberattacks-against-iran.html?pagewanted=all&r=0>.

⁶⁰ 'Israel's Osirak Attack', McNair Paper No. 41, *Radical Responses to Radical Regimes: Evaluating Preemptive Counter-Proliferation*, May 1995, <http://fas.org/spp/starwars/program/docs/41osi.html>.

⁶¹ David Makovsky, 'The silent strike: how Israel bombed a Syrian nuclear installation and kept it secret', *New Yorker*, 17 September 2012, http://www.newyorker.com/reporting/2012/09/17/120917fa_fact_makovsky?printable=true¤tPage=all.

political situation in the region does not augur well for such hopes but radical political change, when it happens, tends to occur quickly and so a joint regional approach should not be ruled out.

Revert to the UN Security Council

Another suggestion is to go through UN Security Council Resolution 687, which established the ceasefire in Iraq in 1991 and contains references to the Middle East zone in the Preamble and in Paragraph 14. The preamble recalls the objective of the establishment of a nuclear-weapon-free zone in the region of the Middle East and the need to work towards its establishment, being conscious of the threat that all weapons of mass destruction pose to peace and security in the area. Paragraph 14 takes note that the actions to be taken by Iraq in other paragraphs represent steps towards the goal of establishing in the region a zone free from weapons of mass destruction and all missiles for their delivery, and towards the objective of a global ban on chemical weapons. Given the use of chemical weapons in Syria and the previous discoveries of chemical weapons in Libya along with – so far – thwarted attempts to build military nuclear capabilities in the region, it may be that in the lead-up to the 25th anniversary of the resolution (in April 2016) it would be worth exploring the route to the Middle East zone through the UN Security Council.

Employ the consensus established in the UN General Assembly

The UN resolution that has been adopted annually in the General Assembly calling for the ‘Establishment of a nuclear-weapon-free zone in the region of the Middle East’ invites all countries of the region to declare their support for a zone and, pending its establishment, not to develop, produce, test or otherwise acquire nuclear weapons or permit the stationing on their territories, or territories under their control, of nuclear weapons or nuclear explosive devices.⁶² Each year the secretary-general collects information from UN member states on the implementation of the resolution and submits it to the General Assembly. It may well be time to establish a group of governmental experts under the auspices of a General Assembly resolution to study the potential ways forward for establishing a WMD free zone in the Middle East and report to the secretary-general. Similar efforts have been made in the past – in 1988, the General Assembly requested the secretary-general to prepare a study on effective and verifiable measures that would facilitate the establishment of a nuclear-weapon-free zone in the Middle East. The study was published in 1990, so a fresh one is somewhat overdue.⁶³

Establish a building-blocks approach

As the proposals made in 2013 by Egypt’s foreign minister note, it would be possible to establish a zone, not through a complex, long negotiation but instead through a set of parallel and sequential commitments to sign and ratify the extant treaties such as the CWC, BWC, NPT and CTBT. There remain very few Middle East states outside each of those treaties. The problem is in the timing. The likelihood at this stage that Israel would join the NPT is so small as to render this approach impractical. However, it may be possible to see if an approach of future commitment with

⁶² ‘Establishment of a nuclear-weapon-free zone in the region of the Middle East’, A/C.1/68/L.1, 18 October 2013, <http://www.reachingcriticalwill.org/images/documents/Disarmament-fora/1com/1com13/resolutions/L1.pdf>.

⁶³ ‘Establishment of a nuclear-weapon-free zone in the region of the Middle East’, A/RES/45/52, 4 December 1990, <http://www.un.org/documents/ga/res/45/a45r052.htm>.

simultaneous accessions could be possible. This would at least set in place a powerful confidence-building measure from which negotiations could spring. Other building-block measures could include the establishment of a highly-enriched-uranium-free zone, separate agreements on non-attack of nuclear facilities (including cyber attacks), missile tests launch notifications, nuclear security assurances and transparency measures.

So Near, So Far

Whatever the outcome of the Helsinki Conference (if it takes place before 2015), weapons of mass destruction should have no place in the Middle East. The stakes and the risks are too high.

The Helsinki Conference process established by the 2010 NPT Review Conference is the most significant opportunity to increase stability and prevent nuclear catastrophe in the Middle East that has presented itself in recent years – coming at a time when the Iranian nuclear capabilities issue is being seriously and sustainably addressed, and when the instability in the region is all too plain to see. If states fail to take this opportunity, the consequences will be severe. Rather than putting their faith in multilateral negotiations and international treaties, other states in the region may decide to emulate Israel and develop nuclear weapons outside the NPT.

Not all hopes can be pinned on a single meeting. There are other possible approaches but each comes with its own set of risks, proponents and detractors. Each could yield fruit but will also mean further delays and opportunities for defection from the process. Each would imply a deterioration of the authority and legitimacy of the NPT in the region and elsewhere.

Now is a time for leadership. Serious efforts to forge an agreement between Israel and Egypt would make all the difference and could help the region's security in a time of considerable danger.

In the end, it is all in the timing. A WMD free zone in the Middle East and a safer, more secure region are within reach. We shall soon see if the opportunity is grasped or is allowed to slip back into the sands of time.

About the Author

Dr Patricia M. Lewis is the Research Director, International Security at Chatham House. Her former posts include those of Deputy Director and Scientist-in-Residence at the Center for Non-proliferation Studies at the Monterey Institute of International Studies, Director of the United Nations Institute for Disarmament Research and Director of VERTIC. Dr Lewis served on the 2004–06 Weapons of Mass Destruction Commission and the 2010–11 Advisory Panel on Future Priorities of the Organization for the Prohibition of Chemical Weapons, and was an Advisor to the 2008–10 International Commission on Nuclear Non-proliferation and Disarmament. She holds a BSc (Hons) in physics from Manchester University and a PhD in nuclear physics from Birmingham University. She is the recipient of the American Physical Society's 2009 Joseph A. Burton Forum Award recognizing 'outstanding contributions to the public understanding or resolution of issues involving the interface of physics and society'.

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The Royal Institute of International Affairs
Chatham House
10 St James's Square, London SW1Y 4LE
T +44 (0)20 7957 5700 F +44 (0)20 7957 5710
contact@chathamhouse.org www.chathamhouse.org

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